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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LANCE JAKELL HENDERSON,

Defendant.

CASE NO. 1:23-CR-00024-NODJ-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: December 13, 2023
TIME: 1:00 p.m.
COURT: Hon Barbara A. McAuliffe.

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on December 13, 2023.
2. By this stipulation, defendant now moves to continue the status conference until March 27, 2024, and to exclude time between December 13, 2023, and March 27, 2024, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that discovery associated with this case has been provided. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying. The government has made inquiries and is in the process of ascertaining if there are additional reports /other discovery that needs to be processed and provided to the defense.

b) The government has provided a plea agreement for counsel's consideration and negotiations are ongoing.

c) Counsel for defendant desires additional time to review the discovery, plea agreement and conduct investigation. Additionally, counsel for defense is researching issues that may affect the plea and sentence of this matter and needs additional time.

d) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) The government does not object to the continuance.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of December 13, 2023 to March 27, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: December 7, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ LAUREL J. MONTOYA
LAUREL J. MONTOYA
Assistant United States Attorney

1 Dated: December 7, 2023

/s/ ALEKXIA TORRES
STALLINGS
ALEKXIA TORRES
STALLINGS
Counsel for Defendant
LANCE JAKELL
HENDERSON

8 **ORDER**

9 IT IS SO FOUND that the ends of justice are served by requested continuance.

10 IT IS FURTHER FOUND that the ends of justice served by taking such action outweigh the best
11 interest of the public and the defendant in a speedy trial and that time is deemed excluded pursuant to 18
12 U.S.C. § 3161(h)(7)(A), B(iv).

13 IT IS ORDERED that the status conference set for December 13, 2023 is continued to **March**
14 **27, 2024 before Magistrate Judge Barbara A. McAuliffe**, and that the time period of December 13,
15 2023 to and through March 27, 2024 be excluded from the time in which trial must commence.

16 IT IS SO ORDERED.

17
18 Dated: **December 8, 2023**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE